

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-278-D

RE/MAX LLC,

Plaintiff,

v.

CAROLINA REALTYMAX, INC.,
MAREK KUCHARSKI, and
NILA MACEDA KUCHARSKI,

Defendants.

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ORDER


On August 23, 2010, plaintiff filed a motion to strike the pro se answer of corporate defendant Carolina Realty Max, Inc. [D.E. 10] and filed a motion for a more definite statement [D.E. 12]. On September 2, 2010, defendants (through counsel) filed an amended answer to the first amended complaint [D.E. 15]. In light of the amended answer, plaintiff's motions [D.E. 10, 12] are DENIED as moot.

On September 2, 2010, defendants Marek Kucharski and Nila Kucharski filed a motion to dismiss the first amended complaint for failure to state a claim upon which relief can be granted [D.E. 16]. Plaintiff responded in opposition [D.E. 21].

The court recognizes the standard that governs a motion to dismiss. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949–50 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Goodman v. Praxair, Inc., 494 F.3d 458, 464–65 (4th Cir. 2007) (en banc); accord Erickson v. Pardus, 551 U.S. 89, 93–94 (2007) (per curiam).

The court has reviewed the first amended complaint in light of the governing standard. The motion to dismiss [D.E. 16] is DENIED.

SO ORDERED. This 13 day of October 2010.


JAMES C. DEVER III
United States District Judge